

Lexington, Kentucky    February 9, 2006

The Council of the Lexington-Fayette Urban County Government, Kentucky convened in regular session on February 9, 2006 at 7:00 P.M. Present were Mayor Teresa Ann Isaac in the chair presiding and the following members of the Council: Council Members DeCamp, Ellinger, Farmer, Gorton, Lane, McChord, Moloney, Myers, Scanlon, Shafer, Stevens, Stinnett, Wigginton and Brown. Absent was Council Member Cegelka.

The reading of the Minutes of the previous meetings was waived.

Ordinances No. 9-2006 thru 26-2006 inclusive and Resolutions No. 11-2006 thru 34-2006 inclusive were reported as having been signed and published, and were ordered to record.

Lexington, Kentucky February 9, 2006

The Invocation was given by Dr. Susi Burton, The Salvation Army.

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Upon motion of Mr. Farmer and seconded by Ms. Shafer, the minutes of the January 12, 24, 25 and 26, 2006 Council Meetings were approved by unanimous vote.

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Mr. McChord presented a Commemoration hailing and commending Paul Laurence Dunbar's Boys Soccer Team as 2005 Boys Soccer State Champion for an outstanding season.

Coach Todd Bretz spoke about the team and their season and thanked the Mayor and Council for the recognition.

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Mr. Ellinger introduced Mr. Dusty Bonner, General Manager for the Lexington Horsemen, who thanked the Mayor and Council for their support of the franchise and stated that "A Lot More Attitude" was their slogan this year.

The Council thanked and commended Mr. Bonner and the team for their community involvement.

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Mr. Brown read a Resolution celebrating the life of Coretta Scott King.

The Mayor announced that there would be a Memorial Service for Ms. King on Saturday, February 11<sup>th</sup> at Winburn Middle School.

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Mr. Wigginton read a Resolution celebrating the life of Stanetta Lewis.

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Mr. Wigginton read a Resolution celebrating the life of Rev. Dr. William Augustus Jones, Jr.

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The following ordinances were given second reading and passed by the following vote:

Aye: DeCamp, Ellinger, Farmer, Gorton, Lane, McChord, Moloney,  
Myers, Scanlon, Shafer, Stevens, Stinnett, Wigginton, Brown ----- 14

Nay: ----- 0

An Ordinance changing the zone from a Townhouse Residential (R-1T) zone to a Single Family Residential (R-1C) zone for 9.34 net (9.34 gross) acres, from a Single Family Residential (R-1C) zone to a Planned Neighborhood Residential (R-3) zone for 0.51 net (0.88 gross) acre, from a Townhouse Residential (R-1T) zone to a Planned

Neighborhood Residential (R-3) zone for 18.71 net (21.60 gross) acres, from a Single Family Residential (R-1D) zone to a Planned Neighborhood Residential (R-3) zone for 15.30 net (15.30 gross) acres, and from a Neighborhood Business (B-1) zone to a Planned Neighborhood Residential (R-3) zone for 0.60 net (0.60 gross) acres of property located at 1811-2045 Winchester Road. (Patchen Wilkes Realty, LLC)

An Ordinance changing the zone from a Wholesale and Warehouse Business (B-4) zone to a Mixed-Use 2: Neighborhood Corridor (MU-2) zone for 0.80 net (0.96 gross) acre of property located at 555 South Upper Street. (Center Court 1, LLC)

An Ordinance amending Article 3-3 of the Zoning Ordinance so as to create requirements for sight triangles at railroad crossings and amending Article 18-3(a)(1)5 of the Zoning Ordinance to exempt property located within railroad sight triangles from the landscape screening requirements.

An Ordinance amending certain of the budgets of the Lexington-Fayette Urban County Government to reflect current requirements for municipal expenditures, and appropriating and reappropriating funds, Schedule No. 143.

An Ordinance amending certain of the budgets of the Lexington-Fayette Urban County Government to reflect current requirements for support of the Horse Patrol Commission in the Div. of Police for funds in the amount of \$750.00 from the Neighborhood Development Funds, and appropriating and reappropriating funds, Schedule No. 147.

An Ordinance amending certain of the budgets of the Lexington-Fayette Urban County Government to reflect current requirements for funds in the amount of \$11,000.00 in the Div. of Police from the Council Capital Funds for the purchase of Segways, and appropriating and reappropriating funds, Schedule No. 152.

An Ordinance authorizing the Mayor to accept a donation of \$300.00 from Wells Fargo Home Mortgage, for the Gainesway Community Empowerment Center to use at its discretion and appropriating funds pursuant to Schedule No. 144.

An Ordinance authorizing the Mayor to accept a donation of \$548.00 from the Annual Holiday House (Christmas Sale) for the Gainesway Community Empowerment Center to use as scholarships to send Homework Huddle teens to Ashville, North Carolina and appropriating funds pursuant to Schedule No. 145.

An Ordinance amending Section 14-10(f)(8) of the Code of Ordinances to delete

the positions of Director of Consumer Protection, Environmental Training Coordinator, Director Environmental Services and Manager On Site Sewage; and to add the positions of Environmental Health Team Leader and Environmental Health and Protection Manager, employed by the Lexington-Fayette County Health Department as position titles for the enforcement of Code of Ordinances Sections 14-97 through 14-104.

An Ordinance authorizing the Mayor to execute Change Order No. 1 to the contract with Jason Tate Contracting, for expansion of Haley Pike Compost Pad increasing the contract price by the sum of \$47,447.59 from \$666,533.30 to \$713,980.89, and appropriating funds pursuant to Schedule No. 146.

An Ordinance authorizing and directing the Mayor to execute Change Order No. 1 to the Contract with LDV, Inc., for the purchase of a Mobile Communications Command Post Vehicle, increasing the contract price by the sum of \$15,813.00 from \$266,331.00 to \$282,144.00, and appropriating funds pursuant to Schedule No. 153.

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An Ordinance authorizing the Mayor to execute a Sanitary Sewer License/Construction Agreement with Schneider Designs, Inc., for construction of a sewer line across Masterson Station Park that will serve residential development north of Spurr Road, at a cost to Schneider Designs, Inc., of \$20,000 (\$10,000.00 to be used for Masterson Station Park for fencing and \$10,000.00 for Masterson Hills Park for active recreation), and appropriating funds pursuant to Schedule No. 151 was on the docket for second reading.

Mr. Wigginton made a motion, seconded by Mr. Brown and passed by majority vote (Mr. Farmer voted no), to amend the ordinance to substitute a new license agreement which clarifies that a tree stand will not be harmed by the sanitary sewer line and that the line will only be used until the new pump station becomes operational.

Mr. Wigginton stated that this was not a material change and the ordinance could be given second reading.

Mr. Farmer stated the reasons he was not in favor of the amendment and the ordinance.

The ordinance was given second reading as amended and passed by the

following vote:

Aye: DeCamp, Ellinger, Gorton, Lane, McChord, Myers,  
Scanlon, Shafer, Stevens, Stinnett, Wigginton, Brown ----- 12

Nay: Farmer, Moloney ----- 2

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An Ordinance amending Ordinance No. 174-2005 to reflect that the current requirements for funds for debt service are for street resurfacing and for any projects involving bridges, paving and rehabilitation of existing roads, giving priority to such projects affecting safety, economic development and schools was given first reading.

Upon motion of Mr. McChord and seconded by Ms. Shafer, the rules were suspended by unanimous vote. The ordinance was given second reading and passed by the following vote:

Aye: DeCamp, Ellinger, Farmer, Gorton, Lane, McChord,  
Moloney, Myers, Scanlon, Shafer, Stevens, Stinnett, Brown ----- 13

Nay: Wigginton ----- 1

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An Ordinance amending Section 21-5 of the Code of Ordinances creating one (1) position of Deputy Director of Family Services, Grade 118E, in the Div. of Family Services was given first reading.

Upon motion of Ms. Gorton and seconded by Ms. Shafer, the rules were suspended by unanimous vote. The ordinance was given second reading and passed by the following vote:

Aye: DeCamp, Ellinger, Farmer, Gorton, Lane, McChord,  
Moloney, Myers, Scanlon, Shafer, Stevens, Stinnett, Brown ----- 13

Nay: Wigginton ----- 1

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The following ordinances were given first reading and ordered placed on file two weeks for public inspection.

An Ordinance authorizing the Mayor to accept a donation of \$100.00 from James D. Carloss, Jr., for the Day Treatment Center for the purchase of books and appropriating funds pursuant to Schedule No. 149.

An Ordinance authorizing the Mayor to accept a Grant from the Dept. of Health and Human Services Substance Abuse and Mental Health Services Administration, which grant funds are in the amount of \$75,000.00 Federal funds, are for continuation of the Drug Free Communities Support Program, the acceptance of which obligates the

Urban County Government for the expenditure of \$75,210.00 as a non-federal match, appropriating funds pursuant to Schedule No. 150, and authorizing the Mayor to transfer unencumbered funds within the grant budget.

An Ordinance authorizing the Mayor to accept a Grant from the Ky. Justice and Public Safety Cabinet, which grant funds are in the amount of \$77,064.00 Federal funds, are for continued operation of the Motor Carrier Safety Assistance Program (MCSAP), the acceptance of which obligates the Urban County Government for the expenditure of \$19,300.00 as a match, appropriating funds pursuant to Schedule No. 154, and authorizing the Mayor to transfer unencumbered funds within the grant budget.

An Ordinance authorizing the Mayor to execute an Amendment to Agreement with the Community Reinvestment Alliance of Lexington, Inc., for additional funding to continue the HOME funded first-time homebuyers program, and appropriating funds pursuant to Schedule No. 156.

An Ordinance amending Section 21-5 of the Code of Ordinances creating one (1) position of Planner Senior, Grade 117E, in the Div. of Planning.

An Ordinance amending Section 21-5 of the Code of Ordinances abolishing one (1) position of Skilled Trades Worker Senior, Grade 112N, and creating one (1) position of Trades Supervisor, Grade 113N, in the Div. of Parks, and appropriating funds pursuant to Schedule No. 157.

An Ordinance amending Section 21-5 of the Code of Ordinances abolishing one (1) position of Staff Assistant Senior, Grade 108N, and creating one (1) position of Property & Evidence Technician, Grade 111N, in the Div. of Police and appropriating funds pursuant to Schedule No. 158.

An Ordinance amending Section 21-5 of the Code of Ordinances abolishing one (1) position of Staff Assistant Senior, Grade 108N, and creating one (1) position of Administrative Specialist, Grade 110N, and reclassifying the incumbent, in the Div. of Traffic Engineering to become effective retroactive to January 18, 2006, and appropriating funds pursuant to Schedule No. 160.

An Ordinance authorizing the Mayor to execute a Lease and Option Agreement with William L. Hassett, Jr., Charles D. Mitchell, James C. Mitchell and Anne Hassett Zelle for the property located at 166 North Martin Luther King Boulevard, at a cost not to exceed \$34,380.00 for Fiscal Year 2006 and \$111,076.00 for Fiscal Year 2007, and

appropriating funds pursuant to Schedule No. 159.

An Ordinance authorizing the Mayor to accept a Donation of seven hundred fifty (\$750.00) dollars, from PN Sports N' Spokes for the purchase of shirts for the Bluegrass Invitational Wheelchair Basketball Tournament and appropriating funds pursuant to Schedule No. 155.

An Ordinance amending certain of the budgets to reflect current requirements for municipal expenditures, and appropriating and re-appropriating funds, Schedule No. 148.

An Ordinance amending certain of the budgets to reflect current requirements for funds in the amount of \$1,000.00 from Neighborhood Development Funds for game systems and games in the Div. of Parks, and appropriating and re-appropriating funds, Schedule No. 162.

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The following resolutions were given second reading and passed by the following vote:

Aye: DeCamp, Ellinger, Farmer, Gorton, Lane, McChord, Moloney,  
Myers, Scanlon, Shafer, Stevens, Stinnett, Wigginton, Brown ----- 14

Nay: ----- 0

A Resolution accepting the bid of Central Rock Mineral Co. LLC, in the amount of \$81,331.09, for construction of Valley Park Sanitary Sewer Improvements.

A Resolution accepting the bid of Zoll Medical establishing a price contract for defibrillators, for the Div. of Fire.

A Resolution authorizing the Mayor to execute a Certificate of Consideration and accept a Deed of permanent storm sewer easement and temporary construction easement from Ms. Nickol Gillum at 137 Suburban Court, for the Dantzler Arcadia Cherokee Park Phase II Project, and authorizing payment in the amount of \$4,050.00, plus usual and appropriate closing costs.

A Resolution authorizing the Mayor to execute Agreements with Blues Star Mothers of the Bluegrass, Inc. (\$800.00), Paul Laurence Dunbar Soccer Boosters Club, Inc. (\$275.00), and Missionary Baptist Ministerial Fellowship Organization, Inc. (\$375.00) for the Office of the Urban County Council, at a cost not to exceed the sums stated.

A Resolution authorizing the Mayor to execute a Purchase of Service Agreement with Positive Link Center, Inc., for programs designed to provide resources and support for at-risk youth to stop the cycle of truancy and violence, at a cost not to exceed \$10,000.00.

A Resolution authorizing the Mayor to execute a Customized Training Services Agreement with The Trane Co., for welding skills training, at a cost not to exceed \$11,600.00.

A Resolution declaring the official intent of the Lexington-Fayette Urban County Government with respect to reimbursement of temporary advancements for capital expenditures for voting machines and related equipment to be made from subsequent borrowings in a maximum principal amount not to exceed \$800,000.00.

A Resolution changing the street name and property address numbers of 118 West Sixth Street to 571 Harry Street, of 401 Dabney Drive to 3191 Mapleleaf Drive, of 1505 East New Circle Road to 2306 Palumbo Drive, of 733 Georgetown Street to 325 Roosevelt Blvd., of 2160 Sir Barton Way to 1970 Pavillion Way, and of 800 Denali Pass to 917 Jouett Creek Drive; changing the property address numbers of 1010 West New Circle Road to 1008 West New Circle Road, of 1594 Ferguson Road to 1542 Ferguson Road, of 2200 Sir Barton Way to 2160 Sir Barton Way, and of 2250 Hume Road to 2280 Hume Road; all effective thirty days from passage.

A Resolution authorizing the Mayor to execute a Certificate of Consideration and accept a deed conveying a temporary construction easement and permanent right-of-way from Prather Investments, LLC, located at 821 East Loudon Avenue, for the Loudon Avenue Improvements Project, and authorizing payment in the amount of \$3,550.00, plus usual and appropriate closing costs.

A Resolution accepting the bid of Comfort & Process Solutions, in the amount of \$38,761.25, for cooling tower at Family Care Center.

\* \* \*  
A Resolution authorizing the Mayor to execute an Agreement with MyCareerNetwork.com, LLC (MCN), for a web based case management system for the Mayor's Training Center, at a cost not to exceed \$24,000.00 was on the docket for second reading.



The following citizens spoke against the resolution: (1) Ms. Janie Moores, owner of BJM Staffing, who spoke on behalf of Bluegrass Employment Association; and (2) Ms. Judy Moore, Judy's Job Center, 3070 Harrodsburg Road.

Mr. Arnold Gaither, Executive Director of the Mayor's Training Center, responded to their concerns about the use of the funds.

The resolution passed by the following vote:

Aye: DeCamp, Ellinger, Gorton, Moloney,  
Scanlon, Shafer, Stevens, Wigginton, Brown ----- 9

Nay: Farmer, Lane, McChord, Myers, Stinnett ----- 5

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The following resolutions were given first reading. Upon motion of Mr. Wigginton and seconded by Ms. Gorton, the rules were suspended by majority vote (Mr. Myers and Mr. Stinnett voted no). The resolutions were given second reading and passed by the following vote:

Aye: DeCamp, Ellinger, Farmer, Gorton, Lane, McChord, Moloney,  
Myers, Scanlon, Shafer, Stevens, Stinnett, Wigginton, Brown ----- 14

Nay: ----- 0

A Resolution honoring and celebrating the life of Coretta Scott King.

A Resolution proclaiming the Lexington-Fayette Urban County Government's support of the issuance, as soon as possible, of a special vehicle license plate in celebration and recognition of the 2010 World Equestrian Games, which are to be hosted by all of the citizens of the Commonwealth of Ky., and hereby notifying Governor Ernie Fletcher, Senate President David L. Williams, House Speaker Jody Richards, and Transportation Cabinet Secretary Bill Nighbert of this proclamation.

A Resolution authorizing the Mayor to execute a Public Acquisition Plat accepting the dedication of right-of-way for Kavanaugh Lane from Ball Homes, LLC, at no cost to the Government.

A Resolution authorizing the Mayor to execute a Certificate of Consideration and accept a Deed conveying a temporary construction easement and permanent right-of-way from Ray and Joan Brannock and Paul Brannock, located at 860 East Loudon Avenue, for the Loudon Avenue Improvements Project, and authorizing payment in the amount of \$3,000.00, plus usual and appropriate closing costs.

A Resolution authorizing the Mayor to execute a Certificate of Consideration and accept a Deed conveying a temporary construction easement, permanent traffic signal

easement and permanent right-of-way from Bluegrass Baptist Church, located at 812 East Loudon Avenue and 820 East Loudon Avenue, for the Loudon Avenue Improvements Project, and authorizing payment in the amount of \$7,950.00, plus usual and appropriate closing costs.

A Resolution authorizing the Mayor to execute a Privilege Fee Agreement with Barlow Homes, LLC, for the Lower Cane Run–2 Pump Station and Force Main Project recommended for construction in the Implementation Plan for Construction of the Outer Perimeter Sewerage Systems – 1986.

A Resolution ratifying the probationary civil service appointments of: Ernest Clark, Public Service Supervisor, Grade 111N, \$16.076 hourly, in the Div. of Streets, Roads & Forestry, effective February 6, 2006; Robert Bishop, Jr., Public Service Supervisor, Grade 111N, \$17.083 hourly, in the Div. of Streets, Roads & Forestry, effective February 6, 2006; Gary Terry, Telecommunication Support Specialist, Grade 113N, \$23.019 hourly, in the Dept. of General Services, effective February 6, 2006; Denver Haddix, Golf Course Clubhouse Attendant, Grade 106N, \$10.652 hourly, in the Div. of Parks, effective February 6, 2006; Julianne Hatton, Crosstown Traffic Host, Grade 112E, \$1,374.48 bi-weekly, in the Div. of Traffic Engineering, effective February 20, 2006; Christopher Cummins, Treatment Plant Operator, Grade 113N, \$15.766 hourly, in the Div. of Sanitary Sewers, effective February 13, 2006; Ricky Henninger, Property & Evidence Supervisor, Grade 115E, \$1,555.92 bi-weekly, in the Div. of Police, effective February 6, 2006; Barbara Hausley, Social Worker Sr., Grade 113E, \$1,654.72 bi-weekly, in the Div. of Youth Services, effective February 6, 2006; Celia Moore, Grants Administrative Aide, Grade 112N, \$16.669 hourly, in the Div. of Community Development, effective January 30, 2006; Stanley Wayne King, Public Service Supervisor, Grade 111N, \$17.000 hourly, in the Div. of Traffic Engineering, effective January 23, 2006; ratifying the permanent civil service appointments of: Shannon White, Public Service Worker, Grade 106N, in the Div. of Parks, effective December 13, 2005; Michelle Gay, Communications Officer Sr., Grade 113N, in the Div. of Police, effective January 25, 2006; Shannon Wilson, Communications Officer Sr., Grade 113N, in the Div. of Police, effective January 25, 2006; Sharon Caruso, Administrative Specialist Sr., Grade 112N, in the Div. of Parks, effective January 25, 2006; William Black, Robert Garr, Linwood Johnson, Michael D. Smith and William G. Smith, Public Service Worker, Grade 106N, in the Div. of Solid Waste, effective January 11,

2006; ratifying the probationary sworn appointments of: Paul See, Fire Captain, Grade 316N, \$19.498 hourly, in the Div. of Fire, effective January 23, 2006; Tim May, Fire Captain, Grade 316N, \$19.498 hourly, in the Div. of Fire, effective January 23, 2006; Michael Farmer, Fire Lieutenant, Grade 315N, \$14.749 hourly, in the Div. of Fire, effective January 23, 2006; James Harrod, Fire Lieutenant, Grade 315N, \$14.749 hourly, in the Div. of Fire, effective January 23, 2006; approving the unclassified civil service appointments of: Samantha M. Drury, Clerical Assistant, Grade 104N, \$9.162 hourly, in the Mayor's Training Center, effective February 20, 2006; Sean Roddy, Police Trainee, Grade 311E, \$14.560 hourly, in the Div. of Police, effective February 6, 2006; approving the voluntary demotions of: Marcus Shelby, Community Corrections Officer, Grade 110N, \$14.248 hourly in the Div. of Community Corrections, to Equipment Operator Sr., Grade 109N, \$13.316 hourly in the Div. of Solid Waste, effective February 6, 2006; Robert Howard, Jr., Community Corrections Sergeant, Grade 112N, \$21.598 hourly, to Community Corrections Officer, Grade 110N, \$12.556 hourly in the Div. of Community Corrections, effective December 26, 2005; Christ Cord, Communications Shift Manager, Grade 116E, \$1,473.60 bi-weekly to Communications Officer Sr., Grade 113N, \$15.802 hourly, in the Div. of Police, effective January 23, 2006.

A Resolution accepting the proposal of The Diversity Training Group, Inc. for the delivery of workplace harassment training to employees of the Lexington-Fayette Urban County Government beginning March 2006 and ending June 2006, at a cost not to exceed \$175,000.

A Resolution authorizing the Mayor to execute a Utility Relocation Reimbursement Agreement with Kentucky Utilities Co., for the Loudon Avenue Improvement Project, at a cost not to exceed \$19,501.67.

A Resolution authorizing the Mayor to execute an Agreement with Gershman, Brickner & Bratton, Inc., for the Solid Waste Efficiency Study, at a cost not to exceed \$108,573.00.

A Resolution approving the granting of an Inducement to Extream Software North America, Inc. pursuant to the Ky. Jobs Development Act, by allowing all of its employees whose jobs have been deemed by the Ky. Jobs Development Authority to have been created as a result of Extream Software North America, Inc. expanding its Fayette County operations and who are paying the service and technology job creation assessment fee to

have their occupational license fee reduced by one-fifth (1/5) of the assessment fee for a term of not longer than ten (10) years from the activation date established by Extream Software North America, Inc., subject to the limitations contained in the Ky. Jobs Development Act; and taking other related action.

A Resolution authorizing the Mayor to execute a Deed of Easement and Release of Easement releasing a storm sewer easement at 135 E. New Circle Road and accepting a new storm sewer easement at the same address.

A Resolution authorizing the Mayor to execute a Release of Easement, releasing a streetlight easement at 1641-1645 Atoma Drive.

A Resolution authorizing the Mayor to execute a Release of Easement, releasing a storm sewer and drainage easement at 2980 and 2984 Majestic View Walk (Masterson Station Unit 11-F, Lots 63 and 64).

A Resolution authorizing the Mayor to execute a Partial Release of Easement releasing a portion of a sanitary sewer easement at 2236 Walnut Grove Lane.

A Resolution authorizing the Mayor to execute Partial Releases of Easements releasing a portion of a drainage easement at 152, 148, 140, 136, 132, and 128 Old Towne Walk, a portion of a sanitary sewer easement at 128 Old Towne Walk, and a portion of a sanitary sewer easement at 152 Old Towne Walk.

A Resolution honoring and celebrating the life of the Reverend Doctor William Augustus Jones, Jr., and his lifelong commitment to civil and human rights and offering condolences to his family and many friends.

A Resolution celebrating the life of Stanetta Lewis.

A Resolution honoring Louie Mack, and his lifelong commitment to education and service in the State Legislature.

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The following resolutions were given first reading. Upon motion of Mr. Wigginton and seconded by Ms. Gorton, the rules were suspended by majority vote (Mr. Myers and Mr. Stinnett voted no). The resolutions were given second reading and passed by the following vote:

Aye: DeCamp, Ellinger, Farmer, Gorton, Lane, McChord, Myers,  
Scanlon, Shafer, Stevens, Stinnett, Wigginton, Brown ----- 13

Nay: Moloney ----- 1

A Resolution authorizing the Mayor to execute a Certificate of Consideration and to accept a Deed conveying permanent sanitary sewer and temporary construction easements from William and Betty Ruth Vice, for property located at 1025 Russell Cave Road, for the North Elkhorn Force Main Project, and authorizing payment in the amount of \$1,475.00, plus usual and appropriate closing costs.

Upon motion of Mr. Brown and seconded by Mr. Farmer, the rules were suspended by unanimous vote. The resolution was given second reading and passed by the following vote:

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Upon motion of Mr. Farmer, seconded by Ms. Gorton and passed by unanimous vote, A Resolution declaring a Moratorium on the acceptance, processing and issuance of building permits or certificates of occupancy for any new or expanded principal permitted use, other than a single-family residential use, and the acceptance or processing of any application for a conditional use permit or the taking of action by the Board of Adjustment on any conditional use permit for any R-3 zoned property located on S. Ashland Ave. between E. Main St. and E. High St. and on Central Ave. between S. Ashland Ave. and Clay Ave. , more specifically defined as the following properties: 107-200 S. Ashland Ave. (odd and even properties), 291, 293, 294 and 298 S. Ashland Ave., 707-727 Central Ave. (odd properties), 702-710 Central Ave. (even properties), and 130 Clay Ave. (corner lot);

stating that the purpose of this Moratorium is to give the Planning Commission and the Urban County Government time to consider downzoning these properties to a single-family residential zone; directing the Divs. of Building Inspection and Planning and the Board of Adjustment to refuse to accept, process or consider applications, to issue building permits or certificates of occupancy, or to take action on conditional use permits for the uses which are the subject of this Moratorium for the duration of the Moratorium: setting for the duration of the Moratorium to be one year or when the Council takes final action on the downzoning, whichever event occurs first was placed on the docket and given first reading.

Mr. Farmer stated that there were 26 properties located on South Ashland and Central Avenues that would be affected by this moratorium, the purpose of which is to allow the Planning Commission sufficient time to consider downzoning these properties to a single-family residential zone. He stated that the moratorium would maintain the status quo while this matter was under review.

The Mayor stated that there were citizens present to speak about the resolution.

The following people spoke against the resolution: (1) Ms. Marlene White, 119 South Ashland Avenue; and (2) Ms. Ricky Jamalia, 119 South Ashland Avenue.

Ms. White asked Mr. David Holmes, Commissioner of the Dept. of Law, about the resolution being retroactive.

The following people spoke in favor of the resolution: (1) Mr. Bruce Simpson, attorney representing the Ashland Park Neighborhood Association; (2) Mr. Steve Hanson, 117 South Ashland Avenue, a board member of the Ashland Park Neighborhood Association; and (3) Dr. Billy Forbess, 227 South Ashland Avenue.

Mr. Farmer made a motion, seconded by Mr. McChord, to suspend the rules and give the resolution second reading.

The Mayor asked Mr. Dave Barberie, Dept. of Law, to confirm that the moratorium would affect issues pending in the designated areas.

Mr. Barberie stated that it would affect all pending and future issues through the length of the moratorium.

Ms. White spoke on how this would stop her plans to open a Bed & Breakfast business on South Ashland Avenue.

Mr. Scanlon made a motion, seconded by Mr. Wigginton, to amend the resolution to make the moratorium for six months instead of one year.

The motion passed by majority vote.

A Resolution declaring a Moratorium on the acceptance, processing and issuance of building permits or certificates of occupancy for any new or expanded principal permitted use, other than a single-family residential use and the acceptance or processing of any application for a conditional use permit or the taking of action by the Board of Adjustment on any conditional use permit for any R-3 zoned property located on S. Ashland Ave. between E. Main St. and E. High St. and on Central Ave. between S. Ashland Ave. and Clay Ave. , more specifically defined as the following properties: 107-200 S. Ashland Ave. (odd and even properties), 291, 293, 294 and 298 S. Ashland Ave., 707-727 Central Ave. (odd properties), 702-710 Central Ave. (even properties), and 130 Clay Ave. (corner lot); stating that the purpose of this Moratorium is to give the Planning Commission and the Urban County Government time to consider downzoning these properties to a single-family residential zone; directing the Divs. of Building Inspection and Planning and the Board of Adjustment to refuse to accept, process or consider applications, to issue building permits or certificates of occupancy, or to take action on conditional use permits for the uses which are the subject of this Moratorium for the duration of the Moratorium: setting for the duration of the Moratorium to be six months or when the Council takes final action on the downzoning, whichever event occurs first was given first reading as amended.

The Council asked questions of Mr. Simpson and Ms. White.

Mr. Holmes stated that the Board of Adjustment had postponed its consideration of Ms. White's Bed and Breakfast request from its January meeting to the February, 2006 meeting.

Mr. Wigginton made a motion, seconded by Mr. Brown, to table the resolution until the Board of Adjustment heard the matter in February.

Mr. Wigginton's motion failed to pass by a hand vote of 3-11.

The Council asked questions of Ms. White, Ms. Jamalia, Ms. Bettie Kerr, Director of the Div. of Historic Preservation, Dr. Forbess and Mr. Holmes.

Mr. Farmer called for the question on his motion to suspend the rules for the resolution.

The motion passed by the following vote:

Aye: DeCamp, Ellinger, Farmer, Gorton, McChord,  
Moloney, Myers, Scanlon, Shafer, Stevens, Stinnett ----- 11

Nay: Lane, Wigginton, Brown ----- 3

The resolution was given second reading and passed by the following vote:

Aye: DeCamp, Ellinger, Farmer, Gorton, McChord,  
Moloney, Myers, Scanlon, Shafer, Stevens, Stinnett ----- 11

Nay: Lane, Wigginton, Brown ----- 3

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The following resolutions were given first reading and ordered placed on file two weeks for public inspection.

A Resolution accepting the bid of Bluegrass Fire Equipment establishing a price contract for fire hose nozzles, for the Div. of Fire.

A Resolution accepting the bids of IBS Floor Care and A & A Commercial Cleaning establishing a price contract for custodial services, for the Div. of Building Maintenance and Construction.

A Resolution accepting the bid of Craigs Firearms Supply, Inc. establishing a price contract for patrol rifles, for the Div. of Police.

A Resolution accepting the bid of Municipal Equipment, Inc., establishing a price contract for street sweepers, for the Div. of Fleet Services.

A Resolution accepting the bid of 32 Ford Mercury, Inc. establishing a price contract for small dump trucks with snow plows and salt spreaders, for the Div. of Fleet Services.

A Resolution accepting the bids of Anaconda Sports, Inc., Bill Fritz Sports Corp., BSN Sports, JP Sports, Inc., M.A.S.A., Inc., Riddell/All American, S & S Worldwide and Sportmaster establishing price contracts for athletic equipment, for the Div. of Parks.

A Resolution authorizing the Mayor to execute and submit a Grant Application to the Brookdale Foundation and to provide any additional information requested in connection with this grant application, which grant funds are in the amount of \$6,000.00, and are for the Relatives as Parents Program (RAPP).

A Resolution rescinding Resolution No. 553-2005 relating to an Agreement with R. J. Corman Railroad Co./Central Ky. Line, LLC, and authorizing the Mayor to execute an Agreement with R. J. Corman Railroad Co./Central Ky. Line, LLC, for reimbursement of



costs associated with a sanitary sewer relocation at the Manchester Street railroad crossing, at a cost not to exceed \$104,767.85.

A Resolution authorizing the Mayor to execute Change Order No. 3 to the contract with Spectrum Contracting Services, Inc., for renovation of the 4<sup>th</sup> Floor Phoenix Building, increasing the contract price by the sum of \$316.03 from \$324,319.00 to \$324,635.03.

A Resolution authorizing the Mayor to execute a Frequency Reconfiguration Agreement with Nextel West Corp. and Nextel Partners Operating Corp., for frequency reconfiguration of the radio telemetry communications systems at pump stations throughout Fayette County, at no cost to the Urban County Government.

A Resolution authorizing the Mayor to execute Change Order No. 9 to the contract with D.W. Wilburn, Inc., for Day Treatment Facility, decreasing the contract price by the sum of \$607.00 from \$4,154,138.94 to \$4,153,531.93.

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The following resolutions were given first reading.

A Resolution authorizing the Mayor to execute a Customized Training Agreement with Appalachian Regional Healthcare, Inc., for skills upgrade training, at a cost not to exceed \$20,000.00.

A Resolution authorizing the Mayor to execute a Customized Training Services Agreement with Central Baptist Hospital, for Admin RX Medication Administration Recording System training, at a cost not to exceed \$20,000.00.

Ms. Janie Moores, BJM Staffing, 2365 Harrodsburg Road, spoke against the resolutions. She stated that she was against the city using tax money for training for particular businesses.

Mr. Arnold Gaither, Executive Director of the Mayor's Training Center, stated the reasons the training was beneficial to local businesses.

The resolutions were ordered placed on file two weeks for public inspection.

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The following communications were received from the Mayor for information only:

(1) Resignation of Timothy Kappel, Police Trainee, Grade 311N, in the Div. of Police, effective January 24, 2006; (2) Resignation of Kristi Bowlin, Community Corrections Officer, Grade 110N, in the Div. of Community Corrections, effective January 23, 2006; (3) Resignation of Anna Mason, Probation Officer, Grade 110N, in the Div. of Community Corrections, effective January 13, 2006; (4) Resignation of Rachael Jacobs, Police

Trainee, Grade 311N, in the Div. of Police, effective January 18, 2006 and (5) Resignation of Carl Wright, Public Service Worker, Grade 106N, in the Div. of Solid Waste, effective January 30, 2006.

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The report from the Div. of Building Inspection for the year, 2005 was received and ordered filed.

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Mr. Farmer made a motion, seconded by Mr. Myers, to have a Planning Committee meeting on February 21, 2006 at 12:00 noon to consider the changes to the Comprehensive Plan Goals and Objectives.

The motion passed by unanimous vote.

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Mr. Bernard McCarthy, 515 Harry Street, spoke concerning downzoning property and giving tax breaks to businesses.

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Mr. Bill Wheeler, Jesselin Drive, spoke concerning inequities with funding garbage collection with property taxes because private collection cost less, and he recommended privatizing the Div. of Solid Waste.

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Mr. Robert Dalton, 520 Douglas Avenue, offered his condolences to Mr. Jonathon Johnson, a Lexington-Fayette Urban County Government employee, whose father had passed away, and encouraged more neighborhood associations to join the Great American Clean-up this year.

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Ms. Janie Moores, BJM Staffing, 2365 Harrodsburg Road, stated her concerns that small businesses were not being involved in the Mayor's Training Center programs.

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The Mayor thanked Governor Fletcher, on behalf of all First Responders, for declaring today as First Responder Day in the Commonwealth.

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The Council adjourned at 9:24 p.m.

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Clerk of the Urban County Council